

## REMARKS

Claims 2-10, 15, 17-19, 21 and 24 are now presented for consideration in the application, with Claims 11-14, 16 and 22-23 having been withdrawn from consideration. Claim 1 has been canceled in this paper, and claims 2, 21 and 24 have been amended. Claims 2, 21 and 24 are the independent claims herein. No new matter has been added. Reconsideration and further examination are respectfully requested.

### Claim Rejections – 35 USC § 101

Claims 2-10 and 17-19 are rejected under 35 U.S.C. 101. Claim 2, which is the parent of the other claims rejected under § 101, has now been amended to recite that the determining and calculating steps are performed by a computer. Accordingly, it is believed that the subject matter now recited in claim 2 is clearly statutory under § 101. It is noted that the performance of the stated steps must inevitably result in a transformation of the computer which performs them, and that the result produced in the method of claim 1 is no less useful, concrete and tangible than the result produced in the *State Street* case.<sup>1</sup>

It is therefore respectfully submitted that the rejection under § 101 should be reconsidered and withdrawn.

### Claim Rejections – 35 USC § 103

Claims 2-10, 15, 17-19, 21 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Freeman et al (US 6,249,775) in view of Wheatworks.

Claim 2 has been rewritten in independent form and has been amended to recite that the category size for the additional mortgage loan is expressed as a percentage of a total loan. Support for this amendment is found in paragraph 39 of the present application, as published. As now amended, claim 2 is directed to a “method to facilitate analysis of a commercial mortgage backed security portfolio associated with a plurality of mortgage loans”. The method recited in claim 2 includes “determining base information associated with the

---

<sup>1</sup> *State Street Bank & Trust Co. v. Signature Financial Group*, 149 F.3d 1368 (Fed.Cir. 1998).

portfolio” and “determining information associated with an additional mortgage loan to be added to the portfolio”. The method of claim 2 further includes “calculating a loan spread for the additional mortgage loan in accordance with a contribution of the additional mortgage loan to the portfolio”. Claim 2 further specifies that “the portfolio is associated with a plurality of credit rating categories, each credit rating category being associated with a current category size” and that the calculating step includes “determining, for the additional mortgage loan, a category size for each credit rating category, each said category size for the additional mortgage loan expressed as a percentage of a total loan”. Finally, as noted above, claim 2 also specifies that “said determining steps and said calculating step are performed by a computer”.

In explaining the rejection of former claim 1 (now folded into claim 2), the Examiner asserted that the Freeman reference discloses the claim limitation of “determining information associated with an additional mortgage loan to be added to the portfolio” at column 15, lines 35-43 of the reference. However, this portion of the reference does not support the Examiner’s reliance thereon, because this passage says nothing concerning an additional mortgage to be added to a portfolio. While this passage does refer to “yes/no decisions”, the passage does not say that those decisions are related to an additional mortgage loan to be added to the portfolio.<sup>2</sup>

Furthermore, in explaining the rejection of claim 2, the Examiner asserted that a passage at col. 14, lines 16-21 in Freeman discloses determining a category size for each credit rating category for the additional mortgage loan. The cited passage refers to “credit bureau scores”, but not category sizes, and certainly not to a category size “expressed as a percentage of a total loan”, as now specifically recited in claim 2.

For both of these reasons, applicant submits that claim 2, at least as now presented, is patentably distinguished from the references applied by the Examiner.

The claims dependent on claim 2 are presented as patentable on the same basis as claim 2. Further, the other independent claims, which are claims 21 and 24, have been amended so as to be parallel to claim 2, and so are submitted as patentable on the same basis as claim 2.

---

<sup>2</sup> Applicant notes that the Freeman reference does not describe how the feedback 38 (FIG. 1, col.6, lines 16-20) with respect to booking a new loan is derived from the loan portfolio analyses which are the main subject of Freeman’s disclosure.

## **C O N C L U S I O N**

Accordingly, Applicant respectfully requests allowance of the pending claims. If any issues remain, or if the Examiner has any further suggestions for expediting allowance of the present application, the Examiner is kindly invited to contact the undersigned via telephone at (203) 972-3460.

Respectfully submitted,

February 25, 2008  
Date

/Nathaniel Levin/  
Nathaniel Levin  
Registration No. 34,860  
Buckley, Maschoff & Talwalkar LLC  
Attorneys for General Electric Company  
50 Locust Avenue  
New Canaan, CT 06840  
(203) 972-3460